

UNITED STATES DISTRICT COURT

Eastern District of California

UNITED STATES OF AMERICA

v.

NICHOLOS M ALVAREZ**JUDGMENT IN A CRIMINAL CASE**Case Number: **6:22PO00195-001**

Defendant's Attorney: David Jeffrey Shapiro, Retained

THE DEFENDANT:

- ☒ pleaded guilty to Counts 1 and 2 Violation Notice.
- ☐ pleaded nolo contendere to count(s) _____, which was accepted by the court.
- ☐ was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
36 CFR §4.14(b)	Open Container in Vehicle While Driving	3/15/2022	1
36 CFR §4.23(a)(2)	Operating a Motor Vehicle when Blood or Breath is 0.08 Grams or More of Alcohol	3/15/2022	2

The defendant is sentenced as provided in pages 2 through _____ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____.
- ☒ Counts 3 and 4 are dismissed on the motion of the United States.
- ☐ Indictment is to be dismissed by District Court on motion of the United States.
- ☐ Appeal rights given. ☒ Appeal rights waived.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution or fine, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/6/2022

Date of Imposition of Judgment



Signature of Judicial Officer

Helena M. Barch-Kuchta, United States Magistrate Judge

Name & Title of Judicial Officer

12/13/2022

Date

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PROBATION

The defendant is hereby sentenced to probation for a term of:

36 months.

If this judgment imposes a fine, special assessment, processing fee or restitution, it is a condition of probation that Defendant pay in accordance with the Schedule of Payments sheet of this judgment.

While on probation, the defendant shall be subject to and must comply with the following conditions of probation:

CONDITIONS OF PROBATION

1. The defendant's probation shall be unsupervised by the probation office.
2. The defendant is ordered to obey all federal, state, and local laws.
3. The defendant shall notify the court and, if represented by Counsel, your counsel of any change of address and contact number.
4. The defendant shall pay a fine of \$1,740.00, a processing fee of \$60.00 and a special assessment of \$20.00 for a total financial obligation of \$1,820.00, which shall be paid at the rate of \$606.00, commencing on 10/6/2023, \$606.00 due by 10/8/2024, and a final payment of \$608.00 due by 10/7/2025. Payments shall be made payable to the Clerk, U.S.D.C., and mailed to:

CENTRAL VIOLATIONS BUREAU
PO BOX 780549
San Antonio, TX 78278
1-800-827-2982

Or, PAY ONLINE:
www.cvb.uscourts.gov

5. The defendant shall complete a Multi-Offender DUI program through the California Department of Motor Vehicles by 10/8/2024.
6. The defendant is ordered to personally appear for Probation Review Hearings on 11/14/2023, 10/8/2024, and 10/7/2025 at 10:00 am before U.S. Magistrate Judge Helena Barch-Kuchta.

Two weeks before each Review Hearing defendant shall complete and submit the "Defendant's Probation Review Status Report" available on the court webpage.

7. Pursuant to 18 USC § 3572(d)(3), while on probation and subject to any financial obligation of probation. defendant shall notify the court of any material change in defendant's economic circumstances that might affect defendant's ability to pay the full financial obligation.
8. The defendant shall complete 50 hours of community service at a non-profit organization that has some purpose relating to drinking and driving/alcohol abuse rehabilitation. The defendant shall perform and complete the community service hours within the first 18 months of probation and provide a letter as proof of completion from the person who supervises the defendant at the organization.
9. The defendant shall advise the court and Government Officer through Counsel, if represented, within seven days of being cited or arrested for any alleged violation of law.
10. The defendant shall not operate a motor vehicle with any detectable amount of alcohol in defendant's system.
11. The defendant shall not refuse to or fail to complete a chemical test to determine blood alcohol content, if requested by a Law Enforcement Officer.
12. The defendant shall comply with all rules and requests by the court necessary and proper to carry out his conditions of probation, including, but not limited to, providing any and all financial information.
13. Other: The defendant shall install an ignition interlock device during the duration of his probation and submit proof to the government.
14. Other: The defendant shall report to the US Marshals Office within 30 days for post plea booking, may complete in San Bernardino, CA.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

TOTALS

<u>Processing Fee</u>	<u>Assessment</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>	<u>Fine</u>	<u>Restitution</u>
\$60.00	\$20.00			\$1740.00	

☐ The determination of restitution is deferred until ____ . An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

☐ Restitution amount ordered pursuant to plea agreement \$ ____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived for the ☐ fine ☐ restitution

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

☐ If incarcerated, payment of any unpaid criminal monetary penalties in this case is due during imprisonment at the rate of 10% of the defendant's gross income per month or \$25 per quarter, whichever is greater. Payment shall be made through the Bureau of Prisons Inmate Financial Responsibility Program.

☐ Other:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A. ☒ Lump sum payment of \$ 1,820.00 due immediately, balance due

☒ Not later than 10/7/2025, or

☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or

B. ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C. ☐ Payment in equal ____ (e.g. weekly, monthly, quarterly) installments of \$ ____ over a period of ____ (e.g. months or years), to commence ____ (e.g. 30 or 60 days) after the date of this judgment; or

- D. ☐ Payment in equal ____ (*e.g. weekly, monthly, quarterly*) installments of \$ ____ over a period of ____ (*e.g. months or years*), to commence ____ (*e.g. 30 or 60 days*) after release from imprisonment to a term of supervision; or
- E. ☐ Payment during the term of supervised release/probation will commence within ____ (*e.g. 30 or 60 days*) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F. ☒ Special instructions regarding the payment of criminal monetary penalties:

☒ **Payments must be made by Check or Money Order, payable to: Clerk, U.S.D.C. and mailed to:**

☒ CENTRAL VIOLATIONS BUREAU
PO Box 780549
San Antonio, TX 78278
1-800-827-2982

Or, PAY ONLINE:

www.cvb.uscourts.gov

Your check or money order must indicate **your name and citation/case number** shown above to ensure your account is credited for payment received.

If incarcerated, payment of any unpaid criminal monetary penalties in this case is due during imprisonment at the rate of 10% of the defendant's gross income per month or \$25 per quarter, whichever is greater. Payment shall be made through the Bureau of Prisons Inmate Financial Responsibility Program.

The defendant shall make payments toward any unpaid criminal monetary penalties in this case during supervision at the rate of at least 10% of your gross monthly income. Payments are to commence no later than 60 days from placement on supervision. This payment schedule does not prohibit the United States from collecting through all available means any unpaid criminal monetary penalties at any time, as prescribed by law.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States: The Preliminary Order of Forfeiture is hereby made final as to this defendant and shall be incorporated into the Judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.